rule were not applied in the principal case, any employee, however subordinate, might conceivably obtain an injunction without the intervention of the corporation. Yet clearly the corporation would be affected by the result. Some cases appearing in conflict with the principal case are explicable on the ground that the corporation's interest was really dissimilar, or even antagonistic to the plaintiff's interest. See *Carroll* v. *Chesapeake & Ohio Coal Agency Co.*, 124 Fed. 305; *Doctor* v. *Harrington*, 196 U. S. 579. Other cases have allowed the holder of mortgage bonds to enjoin striking employees of a corporation, though the corporation was not joined as a party plaintiff. *Ex parte Haggerty*, 124 Fed. 441; *Jennings* v. *United States*, 264 Fed. 399. But *cf. Consolidated Water Co.* v. *City of San Diego*, 93 Fed. 849. Possibly these cases are distinguishable from the principal case, because of the distinct interest of the bondholder; but if not, it seems that the principal case enunciates the sounder rule of practice.

INTERSTATE COMMERCE — CONTROL BY STATES — EXCESSIVE INSPECTION FEE AS A BURDEN ON INTERSTATE COMMERCE. — A state statute required the inspection of all petroleum oil sold in the state, imposed a fee many times the cost of inspection, and declared a violation of the requirement a misdemeanor. Petitioner imported oil from other states and sold it partly by the original tank cars in which it was imported and partly by retail from such cars. Petitioner prayed that the enforcement of the statute against its business be enjoined. *Held*, that the collection of fees for the inspection of oil sold in the original tank cars be enjoined. *Texas Co.* v. *Brown*, 266 Fed. 577.

A state may not exclude nor interfere with the sale of objects of interstate commerce in their original packages. *Leisy* v. *Hardin*, 135 U. S. 100; *Schollenberger* v. *Pennsylvania*, 171 U. S. 1. It may, however, provide for their inspection and fix a fee for the same. *Red "C" Oil Co.* v. *North Carolina*, 222 U. S. 380; *Savage* v. *Jones*, 225 U. S. 501. A genuine inspection fee is valid even though somewhat excessive. *Patapsco Guano Co.* v. *North Carolina*, 171 U. S. 345; *Pure Oil Co.* v. *Minnesota*, 248 U. S. 158. But wher a fee is so excessive as to indicate a disguised revenue measure it has, in recent decisions with which the principal case accords, been held an unconstitutional burden on interstate commerce. *Foote* v. *Maryland*, 232 U. S. 494; *Bartels Northern Oil Co.* v. *Jackman*, 29 N. D. 236, 150 N. W. 576. This is so though the transit is ended and an identical fee is imposed on domestic goods. *Castle* v. *Mason*, 91 Ohio St. 296, 110 N. E. 463; *Standard Oil Co.* v. *Graves*, 249 U. S. 389. See also *Askren* v. *Continental Oil Co.*, 252 U. S. 444. These decisions seem to conflict with the authority holding that a state may impose a non-discriminatory property tax on interstate goods which, though still in their original packages, have come to rest within it. *Brown* v. *Houston*, 114 U. S. 622; *Pittsburgh & S. Coal Co.* v. *Bates*, 156 U. S. 577. The distinction may be that here, by making the so-called "inspection" tax a prerequisite to sale, the state is wrongfully attempting to regulate the disposition of goods still in interstate commerce. See *American Steel & Wire Co.* v. *Speed*, 192 U. S. 500, 521. See also JUDSON, INTERSTATE COMMERCE, §§ 18, 19. This technical distinction results, however, in this case, in unfair discrimination against domestic goods.

MASTER AND SERVANT — WORKMEN'S COMPENSATION ACTS — FALLING ASLEEP AS BREAKING COURSE OF EMPLOYMENT. — Deceased was engaged in exceptionally fatiguing work, such that workers went out to rest for a few minutes every "now and then." Deceased went a hundred yards to another building, lay down on a pile of bricks and slept three hours. The foreman, as a joke, threw a brick on the roof, to wake him. The brick passed through the roof and struck him in the stomach, causing fatal injuries. Plaintiff, a